

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,  
Plaintiff,

v.

LAI KUN KEI, et al.,  
Defendants.

Case No. [21-cv-07863-SK](#)

**ORDER TO SHOW CAUSE**

This case was filed on October 7, 2021. Pursuant to the Scheduling Order issued on October 7, 2021, Plaintiff was required to complete service by December 6, 2021, or file a motion for administrative relief from the deadline. (Dkt. No. 6.) Plaintiff did neither.

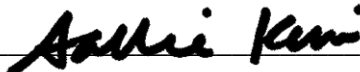
In response to the Court's Order issued on March 1, 2022, requesting a status report regarding service and compliance with the Scheduling Order, Plaintiff simply states he has made significant unsuccessful efforts to serve Defendants, without actually describing those efforts, and that he *will* file a motion for administrative relief to request additional time to complete service. It is Plaintiff's obligation to diligently prosecute this case. It should not take an Order from the Court reminding Plaintiff about his deadlines to prompt an administrative motion seeking relief. Moreover, in light of the significant delays in serving Defendants, Plaintiff should have described his service efforts in his response to the Order requiring a status report on service and should have moved for relief from the deadline under the Scheduling Order *before* filing the status report. Therefore, the Court Orders Plaintiff to Show Cause in writing by no later than March 17, 2022, why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and why Plaintiff's counsel should not be personally sanctioned in the amount of \$1,000. Plaintiff is admonished that if he does not respond and show good cause by March 17,

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2022, the Court will impose the monetary sanctions and reassign this case with a report and recommendation to dismiss this case without any further notice.

**IT IS SO ORDERED.**

Dated: March 10, 2022

  
SALLIE KIM  
United States Magistrate Judge

United States District Court  
Northern District of California